

Docket 101137-35

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 1-23 are pending in the application. Claims 3,8,10,12 and 16-21 are withdrawn from consideration.

Claims 1, 2, 4, 5, 7, 9, 11,13-15 and 22-23 are rejected for allegedly being independently anticipated by Schneider and Green.

Claim 9 is rejected for allegedly being indefinite. This rejection is believed overcome in view of the amendment to claim 9.

Claims 3, 6, 8, 10,12, and 16 have been amended. No amendments have added new matter.

Claims 3, 6, 8, 10 and 12 were amended, in part, to overcome the Examiner's withdrawal of the claims. This issue is discussed in detail below.

Claim 16 has been amended to expressly depend on claim 1. Thus, the process claims that require the device of claim 1 cannot properly be viewed as a patentably distinct invention. Thus, amended claims 16-21 should not be withdrawn.

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Anticipation by Schneider

Applicants respectfully disagree that the claimed subject matter is anticipated by Schneider. In brief, the claimed apparatus performs its function differently than Schneider and, therefore Schneider cannot anticipate the claims.

One major difference is that Schneider's device passes the generated gas through the pH neutralizing material. In contrast, the device described in claim 1 passes the neutralizing material through the generated gas.

From a structural perspective, Schneider's device does not employ or disclose a means for passing the neutralizing agent through the generated gas. Therefore, Schneider cannot anticipate the claims because it does not teach each claim limitation, and neither can it perform the identical process.

Withdrawal of the rejections under § 102 based on Schneider is respectively requested.

Anticipation by Green

Applicants respectfully disagree that the claims are anticipated by Green.

Green discloses a gas generant composition comprising - 65-70 wt.-% of a metal azide, -27-33 wt.-% of molybdenum disulfide, and -0-4% sulfur. Col. 3, 32-46. This describes a gas generant composition wherein the metal azide and the alleged neutralizing sulfur materials are co-mixed into a single body. However, Green's device based on this co-mixture of a metal azide and molybdenum disulfide and sulfur does not anticipate the claims either expressly or inherently.

In contrast to Green's conception, Applicant's claim 1 explicitly recites that the gas generating means and the neutralizing agent generating means are spatially separated into a first and second body. This is supported by the diagram in figure 1, as described on page 11, line 28, continuing to the next page. In brief, the figure shows a first gas generating body (3) and a second neutralizing body (4).

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Because of the requirement for separated first and second bodies, the claims cannot read on Green's gas generant, wherein all components are admixed into a single body.

It is respectfully requested that all rejections under § 102(b) be withdrawn.

Request to Reconsider Withdrawal of the Claims

It is respectfully pointed out that the withdrawal of claims 3, 6, 8, 10 and 12 is improper, and should be withdrawn. Examiner's previous office action required an election between the apparatus and the process claims, and an election of species of gas generator and a neutralizing agent. In a telephone conversation on January 15, 2004, Examiner indicated that species should be elected from those in the specification. Appropriate elections were made.

Examiner's statement on page 2, 2nd paragraph of the office action states, that first body and second body do not have other components, thus claims indicating other components were withdrawn. This rationale is improper and is inconsistent with the claim language and the elections.

In brief, Examiner has incorrectly equated the first body and second body with the gas generating means, and neutralizing agent generating means, respectively. This is incorrect for both components. The gas generating means is disclosed and claimed as being but one component of the first body – not actually constituting the entire first body.

The same relationship holds for the second body and the neutralizing agent generating means.

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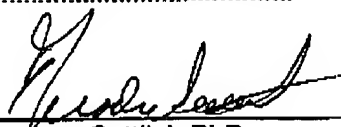
In other words, the first and second bodies may indeed include other components. The elections of means for generating gas and means for neutralizing are restricted only to those components that actually generate the gas and the neutralizing agents. That Examiner has applied these elections to the first and second bodies in their entirety is improper. Accordingly the claims should be examined together.

Claims 3, 6, 8, 10 and 12 have been amended to further clarify that the first and second bodies and the gas and neutralizer generating means are not equivalents.

Examination of claims 3, 6, 6, 8, 10 and 12 is respectively requested

Respectfully Submitted,

Norris, McLaughlin & Marcus
220 East 42 nd Street
New York, NY 10017
Telephone (212) 808-0700
Facsimile (212) 808-0844


Theodore Gottlieb, PhD
Reg. No. 42, 597

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